C1

toppings, or dairy or cooked food products. The fruit particles may be fresh, frozen or cooked and may be of any size or shape compatible with the apparatus used. --

In the Claims:

Please rewrite claims 1, 10 and 12 to read as follows, while cancelling the previous version of each of these claims.

Sub D1

1. (Amended) Apparatus for the measurement of fruit particles in a matrix comprising:

a substantially opaque cabinet;

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a sample tray adapted to received a fruit matrix of fruit particles in a matrix selected from the group consisting of a sugar matrix, a starch matrix or a sugar and starch matrix, said fruit matrix is used in fruit fillings, toppings, dairy products or cooked food products;

a camera in the upper portion of said cabinet for taking an image from the fruit matrix;

a light source in said cabinet; and

a computer with image analyzing software.--

--10. (Amended) Apparatus for the measurement of fruit particles in a matrix comprising:

a substantially opaque cabinet with a non-reflecting inside surface;

a sample tray with a light-transmitting bottom, said sample tray adapted to receive a fruit matrix of fruit particles in a matrix selected from the group consisting of a sugar matrix, a starch matrix or a sugar and starch matrix, said fruit matrix is used in fruit fillings, toppings, dairy products or cooked food products;

a camera in the upper portion of said cabinet for taking an image from the fruit matrix;

a light box with light intensity adjusting switches;

an incident light source; and

a computer with image analyzing software.--

--12. (Amended) A process for the measurement of fruit particles in a matrix comprising:

placing a sample tray a fruit matrix of fruit particles in a matrix selected from the group consisting of a sugar matrix, a starch matrix or a

sugar and starch matrix, said fruit matrix is used in fruit fillings, toppings, dairy products or cooked food products;

illuminating said fruit particles and matrix so that an image may be obtained in which the fruit particles are distinguishable from the background;

capturing a computer-readable image of at least a portion of said illuminated fruit particles and matrix; and

using a computer and an image analyzing software program to analyze and image and obtain information concerning said fruit particles.--